

ST3-ADD-AOP-EPA12 – Addiction legal and statutory issues

Area of practice	Addiction psychiatry	EPA identification	ST3-ADD-AOP-EPA12	
Stage of training	Stage 3 – Advanced	Version	v0.9 (EC-approved 22/07/16)	
The following EPA will be entrusted when your supervisor is confident that you can be trusted to perform the activity described at the required standard without more than distant (reactive) supervision. Your supervisor feels confident that you know when to ask for additional help and that you can be trusted to appropriately seek assistance in a timely manner.				
Title	Impairment assessment and report for patients with substance use disorders.			
Description Maximum 150 words	The trainee is able to conduct an assessment of the impact of substance use and related disorders on impairment, disability and capacity to perform a defined role. The trainee is able to consider relevant local legislation, guidelines and standards and the common law in such assessments.			
Fellowship competencies	ME	1, 2, 3, 4, 8	HA	
	COM	1, 2	SCH	
	COL	1, 3, 4	PROF	1, 2, 5
	MAN			
Knowledge, skills and attitude required The following lists are neither exhaustive nor prescriptive.	<p>Competence is demonstrated if the trainee has shown sufficient aspects of the knowledge, skills and attitude described below.</p> <p>Ability to apply an adequate knowledge base</p> <ul style="list-style-type: none"> • Demonstrates knowledge of capacity, impairment and disability in legal and regulatory definitions applied in addiction-related matters and of clinical scenarios in addiction psychiatry where capacity may be affected. • Demonstrates knowledge of any legislation pertaining to involuntary treatment of persons with substance use disorders and mandatory reporting in relation to notification of drug dependence. • Shows knowledge of forensic issues relevant to mental illness and substance use, fitness to work, including capacity to stand trial, fitness to plead and to be interviewed. • Shows awareness of evidence-based interventions for substance-impaired individuals including people requiring registration or licensing and fitness to perform particular regulated activities (eg. to drive a motor vehicle, pilot aircraft and other transport, to practise a specific profession). • Demonstrates ability to interpret test results including alternative medical explanations for laboratory-confirmed tests as well as issues relating to adulterated and substituted specimens. 			

	<p>Skills</p> <ul style="list-style-type: none"> • Apply relevant legal concepts and definitions in a range of clinical scenarios. • Assess patterns of substance use to understand the psychosocial and historical context in which patients may be making decisions regarding further substance use or other significant decisions affecting their function and/or health. • Communicate relevant history, assessments and conclusions in reports in a timely fashion. <p>Attitude</p> <ul style="list-style-type: none"> • Appreciates the difference between a clinical and a medicolegal role and assessment in addiction psychiatry. • Maintains appropriate professional boundaries when dealing with requests in a medicolegal context. • Maintains impartiality when undertaking medicolegal assessments and providing legal reports.
<p>Assessment method</p>	<p>Progressively assessed during individual and clinical supervision, including three appropriate WBAs.</p>
<p>Suggested assessment method details (These include, but are not limited to, WBAs)</p>	<ul style="list-style-type: none"> • Mini-Clinical Evaluation Exercise. • Professional presentation. • Case-based discussion. • Direct Observation of Procedural Skills (DOPS). • Formal review of knowledge through supervision. • Supervisor review of trainee's reports.
<p>References</p> <p>AUSTROADS & NTC AUSTRALIA. <i>Assessing fitness to drive for commercial and private vehicle drivers: medical standards for licensing and clinical management guidelines</i>. Sydney: Austroads, June 2014. Viewed 20 June 2016, <www.austroads.com.au/drivers-vehicles/assessing-fitness-to-drive>.</p> <p>CIVIL AVIATION SAFETY AUTHORITY. <i>Designated aviation medical examiner's handbook</i>. Canberra: CASA, 2012. Viewed 20 June 2016, <services.casa.gov.au/avmed/dames/handbook/default.asp>.</p> <p>DARZINS P, MOLLOY DW & STRANG D. <i>Who can decide? The six step capacity assessment process</i>. Adelaide: Memory Australia Press, 2000.</p> <p>DRUMMER O. <i>Testing for impairing substances in health care professionals: report for the Australian Health Practitioner Regulation Agency</i>. Melbourne: AHPRA, March 2014. Viewed 20 June 2016, <www.ahpra.gov.au/Registration/Monitoring-and-compliance/Drug-and-alcohol-screening.aspx>.</p> <p>O'NEIL N & PEISAH C. <i>Capacity and the law</i>. Sydney: Sydney University Press, 2011.</p> <p>RYAN C, CALLAGHAN S & PEISAH C. The capacity to refuse psychiatric treatment: a guide to the law for clinicians and tribunal members. <i>Aust NZ J Psychiatry</i> 2015; 49: 324–33.</p>	

COL, Collaborator; COM, Communicator; HA, Health Advocate; MAN, Manager; ME, Medical Expert; PROF, Professional; SCH, Scholar